

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALEX DELGADO,)
Petitioner)
)
v.) Civil Action No. 04-30124-MAP
)
KATHLEEN M. DENNEHY,)
Commissioner of Corrections,)
Respondent)

MEMORANDUM AND ORDER REGARDING MOTION FOR
CERTIFICATE OF APPEALABILITY
(Dkt. No. 52)

February 29, 2008

PONSOR, D.J.

Petitioner, a state prisoner serving a life term for participation in a 1992 murder, filed an action for habeas corpus pursuant to 28 U.S.C. § 2254. On August 27, 2007, the court dismissed his petition, addressing his several arguments in detail.

Petitioner has now filed a Motion for a Certificate of Appealability. For the reasons set forth in the court's August 27, 2007 memorandum, this motion is hereby DENIED. As the court's memorandum indicates, there simply has not been any substantial showing of the denial of a Constitutional right. Petitioner has not raised issues that are debatable among jurists of reason, in the sense that some other court could resolve these issues in a manner different than I did on August 27, 2007. Unfortunately for Petitioner, his petition

simply does not raise issues which deserve encouragement to proceed further on appeal.

Accordingly, the Motion for Certificate of Appealability is hereby DENIED. This case can now be closed.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

United States District Judge